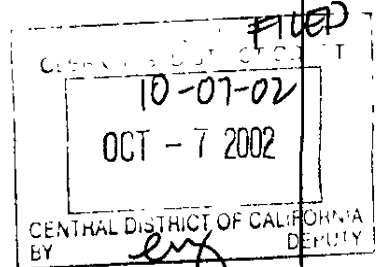


ORIGINAL



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

REVOLUTION EYEWEAR, INC.,)

CV02-1087-LGB (CWx)

Plaintiff(s),)

v.)

ASPEX EYEWEAR, INC., ET AL.,)

Defendant(s).)

ORDER RE:
CIVIL JURY TRIAL

Priority

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JS-5/JS-6

JS-2/JS-3

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The above matter is set for trial before the Honorable
 Lourdes G. Baird, Courtroom 780, Roybal Federal Building & U.S.
 Courthouse, 255 East Temple Street, Los Angeles, California
 90012.

1. PRE-TRIAL AND TRIAL DATES: The Court orders the
 following dates:

A telephone status conference re: settlement is set for
September 22, 2003 at 4:00 P.M. (P.S.T.).*

Cut-off date to join parties and amend pleadings is set for
December 1, 2002.

Factual Discovery cut-off is set at April 15, 2003.

Cut-off date for the filing of motions is set for
July 21, 2003.

* A separate minute order setting forth procedures to be
 followed for the telephone conference shall be mailed to
 counsel.

67

1 Exchange of Expert Reports cut-off is set at May 1, 2003.

2 Exchange of Rebuttal Reports cut-off is set at May 30, 2003.

3 Expert Discovery cut-off is set at July 1, 2003.

4 Pre-trial conference is set for Monday, October 27, 2003, at
5 9:00 A.M.

6 Jury Trial is set for Tuesday at 8:30 A.M. on November 18,
7 2003.

8 2. DISCOVERY: The court has ordered the above cut-off
9 date for discovery in this action. All discovery other than
10 depositions must be served at least forty-five (45) days prior to
11 the discovery cut-off date. All depositions shall be scheduled
12 to commence at least five (5) working days prior to the discovery
13 cut-off date. All original depositions to be used in trial shall
14 be lodged with the courtroom deputy on the day of trial along
15 with a "Notice of Lodging".

16 3. DISCOVERY MOTIONS: Any motion with respect to the
17 inadequacy of responses to discovery must be filed and served not
18 later than ten (10) days after the discovery cut-off date.
19 Whenever possible, the Court expects counsel to resolve discovery
20 problems among themselves in a courteous, reasonable, and
21 professional manner. Consistent resort to the Court for guidance
22 in discovery is unnecessary and will result in the Court
23 appointing a Special Master at the joint expense of the parties
24 to resolve discovery disputes. The Court expects that counsel
25 will strictly adhere to the Civility and Professional Guidelines
26 adopted by the United States District Court for the Central
27 District of California in July of 1995.

28 4. DISCLOSURE OF EXPERT TESTIMONY: Pursuant to
Fed.R.Civ.P. P. 26(a)(2)(c), a party shall make all disclosures

required at the time and in the sequence directed by the Court.

1 On the absence of other directions from the Court or stipulation
2 by the parties, the disclosures shall be made at least 90 days
3 before the trial date or the date the case is to be ready for
4 trial, or, if the evidence is intended solely to contradict or
5 rebut evidence on the same subject matter identified by another
6 party under paragraph (2)(B), within 30 days after the disclosure
7 made by the other party. The parties shall supplement these
8 disclosures when required under subdivision (e)(1).

9 5. LAW AND MOTION: The court has ordered the above cut-off
10 date for the filing of motions in this action. If oral argument
11 is not required, counsel will be advised the week before the
12 hearing date. If oral argument is to be heard, a tentative
13 ruling or an outline of issues on which argument should
14 concentrate will generally be available 30 minutes before the
15 time of hearing.

16 6. **Counsel are ORDERED to serve conformed courtesy copies**
17 **without envelopes of all motions, oppositions and replies**
18 **directly to Chambers at the Roybal Federal Building, 255 East**
19 **Temple Street, Suite 770, Los Angeles, California 90012 by 5:00**
20 **P.M. (PST) on the day of filing.**

21 7. MOTIONS IN LIMINE: Motions in limine on classes of
22 evidence which are appropriate for preliminary rulings must be
23 filed timely in order that they may be heard at the pre-trial
24 conference.

25 8. SETTLEMENT PROCEDURES: Counsel are ordered to timely
26 comply with Local Rule 16-14.1 setting out mandatory settlement
27 procedures. Counsel will be expected to report their compliance
28 with Local Rule 16-14.1 at the telephone status conference.

9. PRE-TRIAL CONFERENCE: This case has been placed

1 on calendar for a Final Pre-Trial Conference pursuant to
2 Fed.R.Civ.P. 16 and Local Rule 16. Unless excused for good
3 cause, each party appearing in this action shall be represented
4 at the Pre-Trial Conference, and all pre-trial meetings of
5 counsel, by the attorney who is to have charge of the conduct of
6 the trial on behalf of such party. The Court expects strict
7 compliance by all parties with the above rules.

8 10. It is this Court's philosophy that the attorneys, as
9 well as the Court, are responsible for management of the trial.
10 In keeping with this philosophy, it is this Court's practice to
11 set time limits for each side's presentation of evidence and
12 argument. In order to accomplish equitable time limits, the
13 Court will issue a minute order at the motion cut-off date
14 requiring counsel to submit witness summaries and time estimates
15 in order to assist in the setting of trial time limits. This
16 minute order shall also govern the dates of submission of
17 proposed jury instructions and special verdict forms.

18 11. JURY TRIAL: The hours for the **first** day of trial are
19 Tuesday from 8:30 to 4:30 P.M.. Thereafter, the hours shall be
20 from 8:00 A.M. to 1:30 P.M. daily, with two fifteen (15) minute
21 breaks. Trial days shall be held on Tuesdays through Fridays.

22 12. The trial before the jury will commence promptly at
23 8:00 A.M. Counsel is urged to anticipate matters which may need
24 discussion or hearing outside of the presence of the jury and to
25 raise them during breaks or at the end of the day.

26 13. Counsel shall not refer to their clients or any witness
27 over 14 years of age by their first names during trial.

28 14. Do not discuss the law or argue the case in opening
statements.

15. When objecting, state only that you are objecting and
1 the legal ground of the objection, e.g., hearsay, irrelevant,
2 etc. Do not argue an objection before the jury.

3 16. Do not approach the Courtroom Deputy or the witness box
4 without the Court's permission. Please return to the lectern
5 when your purpose has been accomplished. Do not enter the well
6 of the Court without the Court's permission.

7 17. Counsel shall rise when addressing the Court. Counsel
8 shall rise when the jury enters or leaves the courtroom.

9 18. Address all remarks to the Court. Do not directly
10 address the Courtroom Deputy, the reporter or opposing counsel.
11 If you wish to speak with opposing counsel, ask permission to
12 talk to counsel off the record. All requests for the re-reading
13 of questions or answers, or to have an exhibit placed in front of
14 a witness, shall be addressed to the Court.

15 19. JURY INSTRUCTIONS: The Court prefers Counsel to use
16 the instructions from the Manual of Model Jury Instructions for
17 the Ninth Circuit (West Publishing latest edition) where
18 applicable. Where California law is to be applied and the above
19 instructions are inapplicable, the Court prefers Counsel to use
20 California Civil Jury Instructions - Civil (West Publishing
21 latest edition) "BAJI." If neither of the above sources are
22 applicable, Counsel is directed to use the instructions from
23 Devitt, Blackmar & Wolff, Federal Jury Practice and Instructions
24 or California Forms of Jury Instructions. Each requested jury
25 instruction shall be numbered and set forth in full on a separate
26 page, citing the authority or source of the requested
27 instruction.

28 Counsel shall provide to the Court a floppy disk containing
the proposed instructions along with the hard copy.

20. An index page shall accompany all jury instructions submitted to the Court. The index page shall indicate the following:

- a. The number of the instruction;
- b. A brief title of the instruction;
- c. The source of the instruction; and
- d. The page number of the instruction.

EXAMPLE:

Number	Title	Source	Page Number
#1	Burden of Proof	9th Cir. 12.02	5

21. EXHIBITS: Counsel are to prepare their exhibits for presentation at the trial by placing them in 3-hole notebooks which are tabbed down the side with the exhibit numbers. These notebooks are to be prepared in an original for the Clerk and two copies. The originals shall each be tagged with the appropriate exhibit tags in the upper or lower right-hand corner of the first page of each exhibit. Each notebook shall contain a list of each exhibit included, and shall be tabbed down the side with exhibit numbers. Counsel shall supply three extra copies of their individual or joint exhibit list and witness list to the Clerk at the start of the trial. The exhibits are to be numbered in accordance with Local Rule 26-4.1.

22. In jury cases where a significant number of exhibits are to be admitted, the Court encourages counsel, preferably by agreement, to consider ways in which testimony about exhibits may be intelligible to the jury while it is being presented. Counsel may consider such devices as overhead projectors, jury notebooks

for admitted exhibits, or blow-ups of important exhibits. Do not
plan to pass exhibits up and down the jury box while court is in
session.

23. All counsel are to meet not later than ten (10)
calendar days before trial and to stipulate as far as is possible
as to foundation, waiver of the best evidence rule and to which
exhibits may be received into evidence at the start of trial.
The exhibits to be so received will be noted on the extra copies
of the exhibit lists.

DATE: October 7, 2002



LOURDES G. BAIRD
UNITED STATES DISTRICT JUDGE

This Court's website is <http://www.cacd.uscourts.gov/>

(Revised May/2002)